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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/633,027

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Jeffrey D. Muhs

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12/04/2006

UT-Battelle, LLC

Office of Intellectual Property

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EXAMINER

HEALY, BRIAN

ART UNIT

PAPER NUMBER

2883

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/633,027

Applicant(s)

MUHS ET AL.

Examiner

Brian M. Healy

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08012003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of Reference(s) Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04142004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION*****Allowable Subject Matter***

Claims 1-6 allowed. The closest prior art of record, Ochiai, U.S.P. No. 4,307,936 teaches (Figs.1-7) an optical fiber solar collector comprising first and second concave collecting mirrors 3,4, protective plate 2 which focuses solar light to optical fibers 10,9. Neither Ochiai 936' or any of the other references of record teaches or suggests the claimed fiber receiver/hybrid collector structure including a receiver housing, a filter removably disposed in the housing, a quartz rod removably disposed in the receiver housing and a fiber at least partially disposed in the housing and engaged with the quartz rod with the fiber further transmitting solar radiation to a light distribution system (claims 1-3). In addition, neither Ochiai 936' or any of the other prior art of record teaches or suggests the hybrid luminaire structure comprising a luminaire housing with a fiber optic and electric light a cylindrical or side emitting diffusing rod that engages an optical fiber (which can be a large core optical fiber used in conjunction with polished/coated reflective surfaces (claims 4 and 5) and a hybrid luminaire with a luminaire housing, removably placed electric light and optical fiber light sources, at least one photosensor for controlling spatial light intensity and a means for controlling the intensity of the electric light source to a predetermined constant spatial light intensity (claim 6).

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The closest prior art of record, Adamson et. al.,

Art Unit: 2883

U.S.P. No. 6,188,177 (discussed below) does not teach or suggest the use of a hybrid luminaire with the structure of claim 7.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Adamson et. al., U.S.P. No. 6,188,177.

Adamson et. al. 177' teaches (Figs.1-6) a daylight harvesting controller comprising : a sensor 20 producing an input signal to the controller circuit 18 (Note that the control circuit /daylight harvester includes a photodiode and an integrated circuit means 64 to control the amplitude and/DC voltage on an input signal to control the

Art Unit: 2883

ballast voltage of the discharge lamp 16) including having the input signal being proportionate to spatial light intensity that provides either a variable control signal to a spatial light emitter discharge lamp 16 in order to provide a constant spatial light intensity, which clearly, fully meets Applicant's claimed limitations.

A copy of PTO-1449 will be included in this office action.

The following references are also cited by the Examiner as being pertinent prior art: Schertz et. al., U.S.P. No. 4,029,519 (Figs.1-3), Strass et. al., U.S.P. No. 3,427,093 (Figs.1-7), Muhs et. al., U.S.P. No. 6,603,069 (Note entire reference), Muhs et. al., U.S. Patent Application Publication No. US 2004/0187908A1 (Note entire reference), and Muhs et. al., U.S. Patent Application Publication No. U.S. 2004/0118447A1 (Figs.1-12).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. Healy whose telephone number is (571)272-2347. The examiner can normally be reached on Compressed schedule Mon-Thurs.6AM-5PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571)272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2883

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**Brian M. Healy**  
**Primary Examiner**  
**Art Unit 2883**

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**BRIAN HEALY**  
**PRIMARY PATENT EXAMINER**